

**DIRECTOR'S HEARING
FINDINGS AND CONDITIONS OF APPROVAL - APPROVED
TENTATIVE PARCEL MAP 29351
DGD CALIFORNIA PROPERTIES
FEBRUARY 9, 2000**

FINDINGS

1. California Environmental Quality Act. The La Quinta Community Development Department has determined that this subdivision has been previously assessed in conjunction with Environmental Assessment 99-383 prepared for Specific Plan 99-036, for which a Mitigated Negative Declaration of Environmental Impact was certified by the City Council on September 7, 1999, by Resolution 99-110. No changed circumstances or conditions are proposed which would trigger the preparation of a subsequent environmental assessment pursuant to Public Resources Code Section 21166.
2. General Plan Consistency. As conditioned, the proposed tentative parcel map conforms to the design guidelines and standards of the General Plan for development of a commercial and light industrial complex, in that General Plan Table LU-4 states that the general development characteristics for the CP Zoning District are focused primarily businesses offering heavy commercial and light industrial uses serving the needs of a local and regional trade area, developed in "campus-like" settings with direct access to arterial or non-residential collector streets. The M/RC land use area is primarily for retail businesses serving a regional trade area such as tenants associated with a regional mall, off-price retail outlet, and/or "power center", located only in the Highway 111 Corridor. The proposed parcel map implements the campus-like setting within a power center type of development accessed by non-residential collector streets connecting to arterial streets.
3. Public Easements. As conditioned, the design of the proposed subdivision and improvements will not conflict with easements acquired by the public at large, for access through, or use of, property within the proposed parcel map since legal access will be provided through reciprocal access agreements or by direct access from Highway 111 or public street Lots A and B. Public utility easements and landscape setback areas have been designated or required as a condition on approval.
4. Design of the Subdivision. As conditioned, the design of the subdivision complies with the requirements of the respective zoning districts in which the proposed parcels are located with respect to development standards and improvement issues for the Regional Commercial and Commercial Park Zoning Districts.
5. Suitability of the Site. As conditioned, the proposed design of the subdivision is physically compatible with the site with regards to the topography and geologic nature for the type of development anticipated within the La Quinta Corporate Center.

6. Public Health. As conditioned, the proposed subdivision will not result in any increased hazard to public health or welfare, as the design has been reviewed by the Fire Marshal and Sheriff's Department for health and safety issues, with none identified.

GENERAL CONDITIONS

1. The subdivider agrees to defend, indemnify, and hold harmless the City of La Quinta (the "City"), its agents, officers and employees from any claim, action or proceeding to attack, set aside, void, or annul the approval of this tentative parcel map or any parcel map thereunder. The City shall have sole discretion in selecting its defense counsel.

The City shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense.

2. This tentative parcel map and any parcel maps thereunder shall comply with the requirements and standards of §§66410 through 66499.58 of the California Government Code (the Subdivision Map Act) and Chapter 13 of the La Quinta Municipal Code (LQMC).

3. Prior to the issuance of a grading, construction or building permit, the applicant shall obtain permits and/or clearances from the following public agencies, as applicable:

- Fire Marshal
- Public Works Department (Grading Permit, Improvement Permit)
- Community Development Department
- Riverside Co. Environmental Health Department
- Desert Sands Unified School District
- Coachella Valley Water District (CVWD)
- Imperial Irrigation District (IID)
- California Water Quality Control Board (CWQCB)
- California Department of Transportation (Caltrans)

The applicant is responsible for any requirements of the permits or clearances from those jurisdictions. If the requirements include approval of improvement plans, applicant shall furnish proof of said approvals prior to obtaining City approval of the plans.

The applicant shall comply with applicable provisions of the City's NPDES stormwater discharge permit. For projects requiring project-specific NPDES construction permits, the applicant shall submit a copy of the CWQCB acknowledgment of the applicant's Notice of Intent prior to issuance of a grading or site construction permit. The applicant shall ensure that the required Storm Water Pollution Protection Plan is available for inspection at the project site.

4. Parcel maps under this tentative map shall be subject to the provisions of the Infrastructure Fee Program and Development Impact Fee program in effect at the time of final map approval. Fees will be those in effect at the time of issuance of building permits.
5. This tentative parcel map shall be subject to the conditions of approval and requirements of Specific Plan 99-036, for the La Quinta Corporate Center.

PROPERTY RIGHTS

6. Prior to approval of a parcel map, the applicant shall acquire or confer easements and other property rights required of the tentative map or otherwise necessary for construction or proper functioning of the proposed development. Conferred rights shall include irrevocable offers to dedicate or grant access easements to the City for emergency services and for maintenance, construction, and reconstruction of essential improvements.

Easements required prior to approval of a parcel map include:

- A. An easement or right of way for completion of the Corporate Centre Drive to Adams Street.
 - B. An access easement to Parcel 11 from a public roadway.
7. The applicant shall dedicate or grant public and private street right of way and utility easements in conformance with the City's General Plan, Municipal Code, applicable specific plans, and as required by the City Engineer.
 8. Right of way dedications required of this development include:
 - A. Hwy 111 - the remainder of applicant's 70-foot half of a 140-foot right of way plus additional if required by Caltrans or the design of the improvements. This land shall be deeded to the City in fee simple - the City will deed to Caltrans.
 - B. Corporate Centre Drive - 64-foot right of way to the east boundary of this map. If right of way for the easterly extension of this road is not available (across the adjacent parcel to the east), the applicant shall, by separate deed, grant temporary right of way for construction of a culs de sac at the road's terminus at that boundary. The temporary grant shall automatically expire when the industrial road is completed to Dune Palms Road.
 - C. North/South Cul de sac - 64-foot right of way.
 - D. Cul de sac radii: 50-foot right of way radius configured per Riverside County Standard 800 (symmetric) or 800A (offset).

9. Right of way geometry for knuckle turns and corner cut-backs shall conform with Riverside County Standard Drawings #801 and #805 respectively unless otherwise approved by the City Engineer.
10. Dedications shall include additional widths as necessary for dedicated right and left turn lanes, bus turnouts, and other features contained in the approved construction plans.
11. If the City Engineer determines that access rights to proposed street rights of way shown on the tentative map are necessary prior to approval of parcel maps dedicating the rights of way, the applicant shall grant the necessary rights of way within 60 days of written request by the City.
12. The applicant shall create perimeter setbacks along public rights of way as follows (listed setback depth is the average depth if meandering wall design is approved):
 - A. Hwy 111 - Fifty feet
 - B. Adams Street, Dune Palms Road, Corporate Centre Drive, and Cul De Sac - Ten Feet

The setback requirement applies to all frontage including, but not limited to, remainder parcels and sites dedicated for utility purposes.

Where public facilities (e.g., sidewalks) are placed on privately-owned setbacks, the applicant shall dedicate blanket easements for those purposes.

13. The applicant shall dedicate easements necessary for placement of and access to utility lines and structures, drainage basins, mailbox clusters, and common areas.
14. The applicant shall vacate abutter's rights of access to public streets and properties from all frontage along the streets and properties except access points approved for this tentative map.
15. The applicant shall furnish proof of easements or written permission, as appropriate, from owners of any abutting properties on which grading, retaining wall construction, permanent slopes, or other encroachments are to occur.
16. If the applicant proposes vacation or abandonment of any existing rights of way or access easements which will diminish access rights to any properties owned by others, the applicant shall provide approved alternate rights of way or access easements to those properties or notarized letters of consent from the property owners.
17. The applicant shall cause no easements to be granted or recorded over any portion of this property between the date of approval of this tentative map and the date of

recording of any parcel map(s) covering the same portion of the property unless such easements are approved by the City Engineer.

FINAL MAP(S) AND PARCEL MAP(S)

18. Prior to approval of a parcel map, the applicant shall furnish accurate AutoCad files of the complete map, as approved by the City's map checker, on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program.

If the map was not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the map.

IMPROVEMENT PLANS

As used throughout these conditions of approval, professional titles such as "engineer," "surveyor," and "architect" refer to persons currently certified or licensed to practice their respective professions in the State of California.

19. Improvement plans shall be prepared by or under the direct supervision of qualified engineers and landscape architects, as appropriate. Plans shall be submitted on 24" x 36" media in the categories of "Rough Grading," "Precise Grading," "Streets & Drainage," and "Landscaping." Precise grading plans shall have signature blocks for Community Development Director and the Building Official. All other plans shall have signature blocks for the City Engineer. Plans are not approved for construction until they are signed.

"Streets and Drainage" plans shall normally include signals, sidewalks, bike paths, entry drives, gates, and parking lots. "Landscaping" plans shall normally include irrigation improvements, landscape lighting and entry monuments. "Precise Grading" plans shall normally include perimeter walls.

Plans for improvements not listed above shall be in formats approved by the City Engineer.

20. The City may maintain standard plans, details and/or construction notes for elements of construction. For a fee established by City resolution, the applicant may acquire standard plan and/or detail sheets from the City.
21. When final plans are approved by the City, the applicant shall furnish accurate AutoCad files of the complete, approved plans on storage media acceptable to the City Engineer. The files shall utilize standard AutoCad menu items so they may be fully retrieved into a basic AutoCad program. At the completion of construction and prior to final acceptance of improvements, the applicant shall update the files to reflect as-constructed conditions.

If the plans were not produced in AutoCad or a file format which can be converted to AutoCad, the City Engineer may accept raster-image files of the plans.

IMPROVEMENT AGREEMENT

22. Depending on the timing of development of the lots or parcels created by this map and the status of off-site improvements at that time, the subdivider may be required to construct improvements, to reimburse others who construct improvements that are obligations of this map, to secure the cost of the improvements for future construction by others, or a combination of these methods.

In the event that any of the improvements required herein are constructed by the City prior to approval of any parcel map pursuant to this tentative map, the Applicant shall, at the time of approval of the parcel map, reimburse the City for the cost of those improvements.

23. The applicant shall construct improvements and/or satisfy obligations, or furnish an executed, secured agreement to construct improvements and/or satisfy obligations required by the City prior to approval of a final map or parcel map or issuance of a certificate of compliance for a waived parcel map. For secured agreements, security provided, and the release thereof, shall conform with Chapter 13, LQMC.

Improvements to be made or agreed to shall include removal of any existing structures or obstructions which are not part of the proposed improvements.

24. If improvements are secured, the applicant shall provide estimates of improvement costs for checking and approval by the City Engineer. Estimates shall comply with the schedule of unit costs adopted by City resolution or ordinance. For items not listed in the City's schedule, estimates shall meet the approval of the City Engineer.

Estimates for utilities and other improvements under the jurisdiction of other agencies shall be approved by those agencies. Security is not required for telephone, gas, or T.V. cable improvements. However, development-wide improvements shall not be agendized for final acceptance until the City receives confirmation from the telephone authority that the applicant has met all requirements for telephone service to parcels within the development.

25. If improvements are phased with multiple parcel maps or other administrative approvals (e.g., Site Development Permits), off-site improvements and common improvements (e.g., retention basins, perimeter walls & landscaping, gates) shall be constructed or secured prior to approval of the first phase unless otherwise approved by the City Engineer. Improvements and obligations required of each phase shall be completed and satisfied prior to completion of homes or occupancy of permanent buildings within the phase and subsequent phases unless a construction phasing plan is approved by the City Engineer.

26. If the applicant fails to construct improvements or satisfy obligations in a timely manner or as specified in an approved phasing plan or in an improvement agreement, the City shall have the right to halt issuance of building permits or final building inspections, withhold other approvals related to the development of the project or call upon the surety to complete the improvements.
27. The applicant's obligations for portions of the required improvements may, at the City's option, be satisfied by participation in a major thoroughfare improvement program if this development becomes subject to such a program.

GRADING

28. This development shall comply with Chapter 8.11 of the LQMC (Flood Hazard Regulations). If any portion of any proposed building lot in the development is or may be located within a flood hazard area as identified on the City's Flood Insurance Rate Maps, the development shall be graded to ensure that all floors and exterior fill (at the foundation) are above the level of the project (100-year) flood and building pads are compacted to 95% Proctor Density as required in Title 44 of the Code of Federal Regulations, Section 65.5(a) (6). Prior to issuance of building permits for lots which are so located, the applicant shall furnish certifications as required by FEMA that the above conditions have been met.
29. Prior to issuance of a grading permit, the applicant shall furnish a preliminary geotechnical ("soils") report and an approved grading plan prepared by a qualified engineer. The grading plan shall conform with the recommendations of the soils report and be certified as adequate by a soils engineer or engineering geologist.

A statement shall appear on parcel maps (if any are required of this development) that a soils report has been prepared pursuant to Section 17953 of the Health and Safety Code.

30. Slopes shall not exceed 5:1 within public rights of way and 3:1 in landscape areas outside the right of way unless otherwise approved by the City Engineer.
31. The applicant shall endeavor to minimize differences in elevation at abutting properties and between separate parcels within this development. Building pad elevations on contiguous parcels shall not differ by more than three feet.

The limits given in this condition are not an entitlement and more restrictive limits may be imposed in the map approval or plan checking process. If compliance with the limits is impractical, however, the City will consider alternatives which minimize safety concerns, maintenance difficulties and neighboring-owner dissatisfaction with the grade differential.

32. Prior to occupation of the project site for construction purposes, the applicant shall submit and receive approval of a fugitive dust control plan prepared in accordance

with Chapter 6.16, LQMC. The Applicant shall furnish security, in a form acceptable to the city, in an amount sufficient to guarantee compliance with the provisions of the permit.

33. The applicant shall maintain graded, undeveloped land to prevent wind and water erosion of soils. The land shall be planted with interim landscaping or provided with other erosion control measures approved by the Community Development and Public Works Departments.
34. Prior to issuance of building permits, the applicant shall provide building pad certifications stamped and signed by qualified engineers or surveyors. For each pad, the certification shall list the approved elevation, the actual elevation, the difference between the two, if any, and pad compaction. The data shall be organized by parcel number and listed cumulatively if submitted at different times.

DRAINAGE

35. The tributary drainage area shall extend to the centerline of adjacent public streets.
36. Storm drainage historically received from adjoining property shall be retained on site or disposed of in the same manner as on-site storm runoff.
37. Nuisance water shall be retained on site and disposed of in a manner acceptable to the City Engineer.
38. If the applicant proposes discharge of stormwater to the Whitewater Drainage Channel, the applicant shall indemnify the City from the costs of any sampling and testing of the development's effluent which may be required under the City's NPDES Permit or other City- or area-wide pollution prevention program, and for any other obligations and/or expenses which may arise from such discharge. The indemnification shall be executed and furnished to the City prior to issuance of any grading, construction or building permit and shall be binding on all heirs, executors, administrators, assigns, and successors in interest of land within the specific plan area excepting therefrom those portions required to be dedicated or deeded for public use. The form of the indemnification and the assignment of responsibility (if any) shall be acceptable to the City Attorney.

UTILITIES

38. The applicant shall comply with legally-enforceable requirements of utility authorities.
39. The applicant shall obtain the approval of the City Engineer for the location of all utility lines within the right of way and all above-ground utility structures including, but not limited to, traffic signal cabinets, electrical vaults, water valves, and telephone stands, to ensure optimum placement for practical and aesthetic purposes.

40. Existing aerial lines and all proposed utilities within or adjacent to the proposed development shall be installed underground. Power lines exceeding 34.5 kv are exempt from this requirement.
41. Utilities shall be installed prior to overlying hardscape. For installation of utilities in existing, improved streets, the applicant shall comply with trench restoration requirements maintained or required by the City Engineer. The applicant shall provide certified reports of trench compaction for approval of the City Engineer.

STREET AND TRAFFIC IMPROVEMENTS

42. Prior to approval of a parcel map or any administrative development approvals (e.g., Site Development Permits) for Parcels 1 through 11, provisions shall be made for completion of improvements to Adams Street from Hwy 111 to the Industrial Road and to the Industrial Road from Adams Street to the west boundary of this tentative parcel map. Those improvements shall be complete prior to the opening of any business or other beneficial use on Parcels 1 through 11.
43. The applicant shall install the following street improvements. Public street improvements shall conform with the City's General Plan in effect at the time of construction.

For arterial street improvements eligible for Development Impact Fee Program funds, the applicant's cost responsibility shall be for the outside lane (normally 20 feet of pavement), curb & gutter and sidewalk. Costs incurred by the applicant for center lanes and medians will be reimbursed by the Program on a first-come, first-serve basis as funds become available.

A. OFF-SITE STREETS

- 1) S.R. 111 - The north half (58 feet) of a 116-foot street improvement including landscape median, fifty percent of the traffic signal at the project main entry and an eight-foot sidewalk. The median construction shall be deferred and secured until construction.

B. ON-SITE PUBLIC STREETS

- 1) Corporate Centre Drive and North/South Cul de Sac - 40-foot travel width (between curb faces) plus 5-foot sidewalks. The applicant shall have full responsibility for any required traffic signals or a fair share responsibility if adjacent developments utilize the signals for access and participate in the cost.

If right of way is available across the "Not A Part" property, the applicant may be required to construct that portion of the road subject to

reimbursement. If not available, the applicant shall construct a temporary cul de sac at the industrial road's terminus at that property.

- 2) Culs de sac per Riverside County Standard 800 (symmetric) or 800A (offset), 38-foot curb radius.

C. Bike Path - Construct a Class A Bike Path along the south embankment of the Whitewater Storm Channel (within the Channel right of way) from Adams Street to the east boundary of this tentative map.

44. Entry drives, main interior circulation routes, turn knuckles, corner cutbacks, bus turnouts, dedicated turn lanes, and other features contained in the approved construction plans may warrant additional street widths as determined by the City Engineer.
45. Improvements shall include appurtenances such as traffic control signs, markings and other devices, raised medians if required, street name signs, and sidewalks. Mid-block street lighting is not required.
46. The applicant may be required to extend improvements beyond development boundaries to ensure they safely integrate with existing improvements (e.g., grading; traffic control devices and transitions in alignment, elevation or dimensions of streets and sidewalks).
47. Improvements shall be designed and constructed in accordance with the LQMC, adopted standards, supplemental drawings and specifications, and as approved by the City Engineer. Improvement plans for streets, access gates and parking areas shall be stamped and signed by qualified engineers.
48. Streets shall have vertical curbs or other approved curb configurations which convey water without ponding and provide lateral containment of dust and residue for street sweeping. If a wedge curb design is approved, the lip at the flowline shall be vertical (1/8" batter) and a minimum of 0.1' in height. Unused curb cuts on any parcel shall be restored to normal curbing prior to final inspection of permanent building(s) on the parcel.
49. The applicant shall design street pavement sections using Caltrans' design procedure (20-year life) and site-specific data for soil strength and anticipated traffic loading (including construction traffic). Minimum structural sections shall be as follows (or approved equivalents for alternate materials):

Residential & Parking Areas	3.0" a.c./4.50" c.a.b.
Collector	4.0"/5.00"
Secondary Arterial	4.0"/6.00"
Primary Arterial	4.5"/6.00"
Major Arterial	5.5"/6.50"

50. The applicant shall submit current mix designs (less than two years old at the time of construction) for base, asphalt concrete and Portland cement concrete. The submittal shall include test results for all specimens used in the mix design procedure. For mix designs over six months old, the submittal shall include recent (less than six months old at the time of construction) aggregate gradation test results confirming that design gradations can be achieved in current production. The applicant shall not schedule construction operations until mix designs are approved.
51. The City will conduct final inspections of habitable buildings only when the buildings have improved street and (if required) sidewalk access to publicly-maintained streets. The improvements shall include required traffic control devices, pavement markings and street name signs.
52. General access points and turning movements of traffic shall comply with Specific Plan 99-036.

LANDSCAPING

53. The applicant shall provide landscaping in required setbacks consistent with the landscaping guidelines of Specific Plan 99-036.
54. Landscape and irrigation plans shall be signed and stamped by a licensed landscape architect. The applicant shall submit plans to the Community Development Department. When plans are approved, the applicant shall obtain the signatures of CVWD and the Riverside County Agricultural Commissioner prior to final signing by the City.
55. Landscape areas shall have permanent irrigation improvements meeting the requirements of the City. Use of lawn shall be minimized with no lawn or spray irrigation within 18 inches of curbs along public streets.

PUBLIC SERVICES

56. The applicant shall provide public transit improvements as required by SunLine Transit and approved by the City Engineer.

QUALITY ASSURANCE

57. The applicant shall employ construction quality-assurance measures which meet the approval of the City Engineer.
58. The applicant shall employ or retain qualified civil engineers, geotechnical engineers, surveyors, or other appropriate professionals to provide sufficient construction supervision to be able to furnish and sign accurate record drawings.

59. The applicant shall arrange and bear the cost of measurement, sampling and testing procedures not included in the City's inspection program but required by the City as evidence that construction materials and methods comply with plans, specifications and applicable regulations.
60. Upon completion of construction, the applicant shall furnish the City reproducible record drawings of all public improvement plans which were signed by the City. Each sheet shall be clearly marked "Record Drawings," "As-Built" or "As-Constructed" and shall be stamped and signed by the engineer or surveyor certifying to the accuracy of the drawings. The applicant shall revise the CAD or raster-image files previously submitted to the City to reflect as-constructed conditions.

MAINTENANCE

61. The applicant shall make provisions for continuous, perpetual maintenance of perimeter landscaping, sidewalks, access drives, parking lots, and storm drainage improvements including outfalls to the La Quinta Flood Evacuation Channel. The applicant shall maintain required public improvements until expressly released from this responsibility by the appropriate public agency.

FEES AND DEPOSITS

62. The applicant shall pay the City's established fees for plan checking and construction inspection. Fee amounts shall be those in effect when the applicant makes application for plan checking and permits.

FIRE MARSHAL CONDITIONS

63. Fire hydrants in accordance with CVWD Standard W-33 shall be located at each street intersection spaced not more than 330 feet apart in any direction with no portion of any building more than 165 feet from a fire hydrant. Minimum fire flow shall be as required by the Fire Marshal. Blue dot reflectors shall be mounted in the middle of streets directly in line with fire hydrants. Adjustments to actual fire-flow requirements may be adjusted according to fire sprinkler system allowances and type of material used.
64. Applicant/developer will provide written certification from the appropriate water company that the required fire hydrant(s) are either existing or that financial arrangements have been made to provide them.
65. Prior to recordation of the final map, applicant/developer will furnish one blueline copy of the water system plans to the Fire Department for review/approval. Plans will conform to the fire hydrant types, location and spacing, and the system will meet the fire flow requirements. Plans will be signed/approved by a registered civil engineer and the local water company with the following certification: **"I certify that the design**

of the water system is in accordance with the requirements prescribed by the Riverside County Fire Department."

66. The required water system including fire hydrants will be installed and accepted by the appropriate water agency prior to any combustible building material being placed on an individual lot.
67. Specific Fire Department requirements for basic fire protection measures will be determined at the time when Site Development Permit plans are submitted. All questions regarding the meaning of these conditions should be referred to the Fire Department Planning & Engineering staff at (760) 863-8886.